DETAILED ACTION

1. This action is in response to the application filed on September 24, 2003.

2. Claims 1-10 are currently pending.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/668316, filed on September 24, 2003.

Specification

4. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The disclosure is objected to because of the following informalities: Page 3, lines 1 and 15 recite acronyms without definition. Appropriate action is required.

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The current abstract is merely a copy of Claim 1 and therefore only is representative of Claim 1. Appropriate action is required.

Claim Objections

6. Claims 2, 6, 8, 9, and 10 are objected to because of the following informalities:

> Concerning Claim 2, "…entering of the at least…" should apparently be …entering at least…. Appropriate correction is required.
>
> Concerning Claim 6, "…means for storing of a task…" and "…means for outputting of the signal…" should apparently be …means for storing a task... and …means for outputting the signal…. Appropriate correction is required.
>
> Concerning Claim 8, "…of Claim 6 the means for determining of an actual…" should apparently be…of Claim 6 further comprising means for determining an actual…. Appropriate correction is required.
>
> Concerning Claim 9, "…means for storing of location…" should apparently be …means for storing location…. Appropriate correction is required.
>
> Concerning Claim 10, "…means for receiving of a condition…" and "means for outputting of a signal…" should apparently be …means for receiving a condition… and …means for outputting a signal… Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Regarding claim 5, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Also, the phrase "being adapted to" renders the limitation vague and indefinite as it is unclear what the applicant regards as his invention.

9. Claim 6 recites the limitation "the signal". There is no prior mention of a signal in Claim 6. Therefore, there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding Claims 1-4:

In order for the claimed invention to be statutory subject matter, the claimed invention must fall within one of the statutory classes of invention set forth in 35 U.S.C. 101, i.e. a process, machine, manufacture, or composition of matter. In the present case, Claim 1 is directed to a signal which is not considered statutory subject matter. The following format would be acceptable: A method comprising the steps of...if the condition is fulfilled, inform a user….

See MPEP 2106 IV (B). See also e.g., In re Nuitjen, Docket no. 2006-1371 (Fed. Cir. Sept. 20, 2007) (slip. op. at 18) ("A transitory, propagating signal like Nuitjen's is not a process, machine, manufacture, or composition of matter.' … Thus, such a signal cannot be patentable subject matter.").

Claims 2-4 are dependent on Claim 1 and therefore are rejected in a like manner.

Regarding Claim 5:

A "computer program product", i.e. software per se, is considered to be an abstract idea and therefore does not fall within one of the statutory classes of invention set forth in 35 U.S.C. 101. In order to be accepted as statutory subject matter, a computer program must be tangibly embodied on a computer readable medium which when executed appropriately provides functionality.

See MPEP 2106.01 (I).

Also, Claim 5 is directed to a signal which is not considered statutory subject matter as described above.

Regarding Claims 6-8:

Claim 6 is directed to a signal which is not considered statutory subject matter as described above.

Claims 7 and 8 are dependent on Claim 6 and therefore are rejected in a like manner.

Regarding Claims 9-10:

Claim 9 recites "a network element" which does not fall within one of the statutory classes of invention set forth in 35 U.S.C. 101.

Claim 10 is dependent on Claim 9 and therefore is rejected in a like manner. Also, Claim 10 is directed to a signal which is not considered statutory subject matter as described above.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al., U.S. Patent Application Publication Number 2002/0052674 A1 (hereinafter referred to as Chang).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Regarding Claims 1, 5, 6, and 10:

Chang teaches a method of generating a signal comprising the steps of:
assigning a condition to a task, the condition having at least one criterion related to a geographical position (paragraph [0018]),
determining an actual geographical position (paragraphs [0018]-[0019] and [0057],
evaluating the condition by means of the actual geographical position (paragraphs [0018], [0128], [0130], and Figure 21).
if the condition is fulfilled, outputting of the signal in order to inform a user of the fulfilment of the condition (paragraph [0060]).

Regarding Claims 2 and 7:

Chang teaches the limitations of Claims 1 and 6 respectively as described above.
Chang teaches further comprising entering of the at least one criterion by:
assigning a location name to the geographical position,
inputting the criterion by means of the location name (paragraphs [0018]-[0019]).

Regarding Claim 3:

Chang teaches the limitations of Claim 1 as described above.
Chang further teaches whereby the geographical position of the criterion and/or the actual geographical position is provided by a wireless radio network (paragraph [0015]).

Regarding Claim 4:

Chang teaches the limitations of Claim 3 as described above.
Chang further teaches whereby the wireless radio network is a cellular network and the geographical position is provided as data being indicative of one of the cells of the cellular network (paragraph [0019]).

Regarding Claim 8:

Chang teaches the limitations of Claim 6 as described above.
Chang further teaches the means for determining of an actual geographic position comprising means for receiving of data from a radio access network being indicative of the actual geographical position (paragraph [0057]).

Regarding Claim 9:

Chang teaches a network element of a radio access network comprising:
means for storing of location names and assigned geographical positions (paragraph [0017]), means for providing at least one of the location names and its assigned geographical position to a user equipment (paragraph [0016]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBRA ANTONIENKO whose telephone number is (571)270-3601. The examiner can normally be reached on Monday through Friday, 6:30 AM to 4:00 PM, EST, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Debra Antonienko/
Examiner, Art Unit 4194
01/04/2008

/Charles R. Kyle/
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